

### **REMARKS**

New claim 41 has been added, hence, claims 1-8, 18 and 26-41 are all the claims pending in the application.

### **Statement of Substance of Interview**

Applicant thanks the Examiner to the telephone interviews conducted on April 7 and 8, 2009 with the undersigned. During the interview claims 36 and new claim 41 were discussed. The prior art was not discussed except for the Examiner indicating that remarks submitted with the Response Under 37 C.F.R. § 1.116 were convincing and overcame the prior art rejections. With respect to claim 39, the examiner requested that the claim be amended to more positively recite hardware. Applicant suggested amending the claim as set forth herein and adding new claim 41. The Examiner indicated that a Request for Continued Examination (RCE) be filed to add new claim 41. Agreement was reached that the amendment to claim 39 and addition of claim 41, with an RCE, would place the application in condition for allowance.

### **Claim Amendment and New Claim**

Claim 39 is amended and new claim 41 added. It is respectfully submitted that the claim amendment and new claim are supported at least in figure 2 and in the specification at page 11, line 3 to page 16, line 10.

### **Claim Rejections**

Claims 26, 27, 32 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over See in view of Kikinis. Claims 1 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over See in view of Kikinis and further in view of applicant's allegedly admitted

prior art (AAPA). Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the references applied to claim 1 above and further in view of the Examiner's Official Notice.

As noted above, the Examiner agreed that Applicant's remarks in the after-final response were persuasive and the claims are patentable over the art of record. Accordingly, it is respectfully submitted that the claim rejections are moot.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/J. Warren Lytle, Jr./  
J. Warren Lytle, Jr.  
Registration No. 39,283

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: April 13, 2009